

FILED
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

2005 APR -8 P 1:00

HARRY G. SCHORTMANN, JR., PRO SE
JACQUELINE SCHORTMANN, PRO SE

U.S. DISTRICT COURT
DISTRICT OF MASS

Plaintiffs

Civil No. 04-11011-MLW

v.

INTERNAL REVENUE SERVICE OF
THE UNITED STATES GOVERNMENT

Defendant

AMENDMENT TO COMPLAINT

The complaint in Civil No. 04-11011-MLW is hereby amended by adding Section E. to the Plaintiff's demands against the defendant as follows:

- E. That the defendant pay the plaintiffs consequential damages listed below arising from the failure of the defendant to pay the plaintiffs the amount due them according to the agreement dated May 27, 1999. Had the defendant paid the plaintiffs the full amount due, the plaintiffs would have purchased a home required by medical necessity for one hundred and forty thousand dollars (\$140,000).
1. Additional cost to purchase the same home today: one hundred twenty-four thousand dollars (\$124,000).
 2. Increase in real estate tax liability over ten years to purchase the same home today: twenty two thousand dollars (\$22,000).
 3. Pain and suffering: ten thousand dollars (\$10,000).

The revised Complaint is submitted herewith.

Respectfully submitted,

Harry G. Schortmann, Jr.
Harry G. Schortmann, Jr. PRO SE

Jacqueline Schortmann
Jacqueline Schortmann PRO SE
91 Hemlock Drive
Holliston, MA 01746
508-429-5726
April 7, 2005

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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ATTACHMENT 1

PLAINTIFFS

Harry G. Schortmann, Jr. & PRO SE
Jacqueline Schortmann PRO SE
91 Hemlock Drive
Holliston, MA 01746

U.S. DISTRICT COURT
DISTRICT OF MASS

V.

DEFENDANT

The Internal Revenue Service of the United States Government

COMPLAINT AMENDED

1. The plaintiffs are residents of Holliston, Middlesex County and citizens of the United States.
2. The defendant is the Internal Revenue Service.

Jurisdiction

3. Tax matters concerning the Internal Revenue Service fall under the jurisdiction of this court.

Facts

4. On May 27, 1999 the plaintiffs entered into an agreement with the defendant whereby the defendant agreed to pay the plaintiffs a refund plus interest. The defendant has paid only some of the interest due and refuses to pay the rest of the interest which it agreed to pay.

WHEREFORE, the Plaintiffs demand the following judgments against the defendant:

- A. That the defendant pay the plaintiffs interest for each year that the defendant has not paid the plaintiffs interest according to the agreement dated May 27, 1999. The interest for each such year shall be computed from the date that plaintiffs paid an income tax for that year until the defendant pays the interest.
- B. That the defendant pay the plaintiffs the same penalty that the defendant would have charged a tax payer if the tax payer were guilty of not paying taxes for the same period as the defendant refused to pay the plaintiffs according to the agreement dated May 27, 1999.
- C. That the defendant pay the plaintiffs punitive damages as the jury may determine.
- D. That the defendant pay the plaintiffs court and trial costs and compensation equal to a fee an attorney might reasonably charge for legal services to try this case.
- E. That the defendant pay the plaintiffs consequential damages listed below arising from the failure of the defendant to pay the plaintiffs the amount due them according to the agreement dated May 27, 1999. Had the defendant paid the plaintiffs the full amount due, the plaintiffs would have purchased a home required by medical necessity for one hundred and forty thousand dollars (\$140,000).
 - 1. Additional cost to purchase the same home today: one hundred twenty-four thousand dollars (\$124,000).
 - 2. Increase in real estate tax liability to purchase the same home today: twenty two thousand dollars (\$22,000).
 - 3. Pain and suffering: ten thousand dollars (\$10,000).

The plaintiffs demand a trial by jury.

Harry G. Schortmann, Jr. PRO SE
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A copy of this document was mailed on April 7, 2005 to:

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